

GAU 28823 1/2
RECEIVED
JUN 13 2001
TECHNICAL CENTER 2800

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

[Signature]
ATTORNEY FOR APPLICANT

June 1, 2001
DATE OF SIGNATURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application	Dr. Donald G. Russell)	
of:)	Group Art Unit: 2882
)	
on:	AN INTERMEDIATE)	Examiner: Craig E. Church
	DENSITY MARKER AND A)	
	METHOD USING SUCH A)	
	MARKER FOR)	
	RADIOGRAPHIC)	
	EXAMINATION)	
)	
Serial No.:	09/372,835)	
)	
Filed On:	August 12, 1999)	(Docket No. 054630.0005)

Dated at Hartford, Connecticut, this 1st day of June 2001.

Assistant Commissioner for Patents
Washington, D.C. 20231

Response to Notice of Non-Compliant Amendment Under 37 C.F.R. § 1.121

Dear Madam/Sir:

In response to the Notice of Non-Compliant Amendment dated May 4, 2001, Applicant submits herewith a Substitute Amendment in full compliance with 37 C.F.R. § 1.121. Please note that under 37 C.F.R. § 1.121(b)(iii), there is no need to submit a marked-up version of the replacement paragraph when simply deleting and adding a new paragraph, as is the case here.

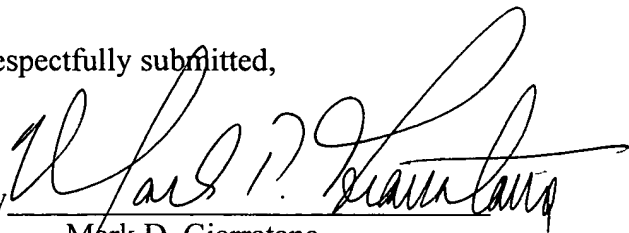
Accordingly, it is respectfully submitted that the enclosed Amendment be entered.

No fee is believed to be required in connection with this paper; however, if any fee is required, or otherwise if necessary to cover any deficiency in fees already paid, authorization is hereby given to charge our deposit account no. 50-1631.

Respectfully submitted,

Date: June 1, 2001

By


Mark D. Giarratana
Registration No. 32,615
Attorney for Applicant

PTO Correspondence Address:

Cummings & Lockwood
Granite Square
700 State Street
P.O. Box 1960
New Haven, CT 06509-1960
Phone: (860) 275-6719
Fax: (860) 560-5919

.HrtLibl:367359.1 06/01/01



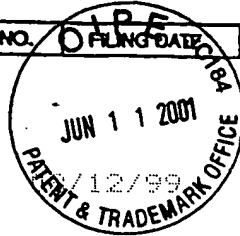
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NO. 09/372,835	FILING DATE JUN 11 2001	FIRST NAMED INVENTOR RUSSELL	ATTORNEY DOCKET NO.
----------------------------	-------------------------	------------------------------	---------------------

09/372,835



RUSSELL

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

CUMMINGS & LOCKWOOD
GRANITE SQUARE
700 STATE STREET
P.O. BOX 1960
NEW HAVEN CT 06509-1960

MM21/0504

RECEIVED

MAY 08 2001

CUMMINGS & LOCKWOOD

CHURCH, C
DATE MAILED:

2882

05/04/01

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 4-27-01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☒ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☐ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☐ 5. Other _____

☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

M. Hawkins
Legal Instruments Examiner
703 308-2135

LOCKETED	5/8/01
DUE DATE	6/4/01
STATUTORY DATE	